

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA**

RAIL SCALE, INC., a Florida Corporation,) Civil Action No.: 1:21-cv-287-TAV-CHS
)
Plaintiff,) **JURY TRIAL DEMANDED**
)
v.)
)
WINGFIELD SCALE & MEASURE, LLC,)
)
Defendant.)
)
)

[PROPOSED] FOURTH AMENDED SCHEDULING ORDER

It is hereby **ORDERED**, after consultation with the parties, that the following schedule will apply to the remaining patent milestones in this case:¹

	<u>Dates</u>	
1	October 1, 2022 (Passed)	Parties' Exchange Lists of Proposed Claim Terms Needing Construction and Indication of Any Terms Subject to Section 112(f).
2	October 15, 2022 (Passed)	Parties' exchange of preliminary claim constructions and extrinsic evidence.
3	October 28, 2022 (Passed)	Filing of joint claim construction and pre-hearing statement. Identifies disputed claim terms, proposed constructions, agreed-upon constructions, and identification of extrinsic evidence relied upon.
4	December 16, 2022 (Passed)	Discovery deadline on claim construction issues.

¹ The parties recognize that the current overall scheduling order, including the trial date, likely will need to be adjusted to accommodate these changes.

5	April 28, 2023	Parties Serve and File Replacement Claim Construction Opening Briefs (supplanting briefs filed on February 24, 2023) and Produce All Supporting Extrinsic Evidence, including any expert witness reports pursuant to Fed. R. Civ. P. 26(a)(2).
6	May 31, 2023	Parties Serve and File Responsive Claim Construction Briefs, including any responsive expert witness reports pursuant to Fed. R. Civ. P. 26(a)(2).
7	June 1, 2023 to June 16, 2023	Depositions of any expert witnesses relied upon by the parties in support of their claim construction positions.
8	June 21, 2023	Reply Briefs on claim construction (relying on deposition transcripts but no new expert reports).
9	August 3, 2023	Parties to Present Technology Tutorial.
10	August 17, 2023	Claim Construction (Markman) Hearing at 10:00 a.m. – Live.

SIGNED on this _____ day of _____, 2023.

Magistrate Judge Christopher Steger
UNITED STATES DISTRICT JUDGE